



***Town of Tyngsborough
Conservation Commission***

25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
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Minutes
April 12, 2016
APPROVED

Present:

JE: Jerry Earl **JK:** Jeff Kablik **LB:** Linda Bown **PM:** Pat Mical **MM:** Matt Marro

Absent:

BM: Brian Martin **ES:** Ed Smith

Attachments:

1. Agenda
2. 352 Middlesex Rd. Pictometry Photo
3. 352 Middlesex Rd. ANRAD Application
4. Pan Am Railways RDA Application – 3/10/16
5. 324 Middlesex Rd. Pictometry Photo
6. 324 Middlesex Rd. RDA Application
7. 324 Middlesex Rd. Permit Plan Set – 3/18/16
8. 324 Middlesex Rd. Rendering – 3/14/16
9. David E. Ross Associates Peer Rvw. for 324 Middlesex Rd. – 4/12/16
10. Mascuppic Trail NOI Application
11. Mascuppic Trail Roadway & Drainage Rehabilitation Plan Set – April 2016
12. 12 Parker Lane Pictometry Photo
13. 11 Oak St. Pictometry Photo

7:00pm Vice Chairman JK opened meeting

7:03pm **352 Middlesex Rd. (M19, P7, L0) – Abbreviated Notice of Area Delineation, DEP# 309-0893** to verify the resource areas on the property including bordering vegetated wetlands, and banks of an intermittent stream and pond.

JE: Motion to waive the reading of the legal notice and abutters list.

PM: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

Engineer Steve Eriksen appeared before the Commission for the applicant Dennis Page. Mr. Eriksen explained that this filing is simply a mapping of the resource areas on the property. There was no indication of the intent of the applicant with regards to future development. He went on to say that the mapping was done in January of 2016 when there was no snow on the ground. MM reported that he concurred with the mapped delineation and noted that the pond on the property is located in the flood plain.

An abutter from 338 Middlesex Rd. cautioned Mr. Eriksen of the extensive wetlands and offered some picture evidence that depicted the flooded areas on the property. No other abutters were present to speak for or against this project.

JE: Motion to close the public portion of the hearing

PM: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

LB: Motion to approve the resource delineation for 352 Middlesex Rd., DEP# 309-0893 on plans dated 3/3/16.

PM: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

7:10pm

R.O.W. along Middlesex Rd., Pan Am Railways – Request for Determination of Applicability for the verification of wetland boundaries along the railway right of way (R.O.W.) for the purpose of future herbicide treatment as allowed per Mass. Dept. of Agriculture regulations.

JE: Motion to waive the reading of the legal notice and abutters list.

PM: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

MM explained that this request is for the verification of the sensitive areas along the Pan Am Railways R.O.W. along Middlesex Rd. for the use of herbicide maintenance as allowed by the Mass Wetlands Protection Act. This is for verification purposes only and not for the actual application of the herbicides. A yearly operational plan will be submitted with a 45 day review period prior to any herbicide application. There were no abutters present to speak for or against this project.

JE: Motion to close the public portion of the hearing

PM: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

JE: Motion to issue a positive determination to confirm the wetland boundaries as defined in the Sensitive Area Marking key dated January 2016.

PM: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

7:20pm 324 Middlesex Rd. (M19, P5, L0) – Request for Determination of Applicability and a Stormwater Management Permit for the proposed construction of a 2-story 40,000 s.f.± self storage building, and 12 separate self-storage units totaling 58,000 s.f.± including driveway access and utilities.

JE: Motion to waive the reading of the legal notice and abutters list.

PM: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

Engineer Matt Hamor, and applicant Joe DiCarlo appeared before the Commission. Mr. Hamor explained that this is a large vacant 15.86 acre site that has a generally flat topography and excellent sandy soils. There is a lot of odd debris scattered throughout the property that will be removed. The project consists of 12 1-story self-storage units and one 2-story climate controlled building, all of which will be built in three phases. The site will be equipped with a septic system and a private well with center drainage swales between each one-story storage unit. In addition, a retaining wall will be built at the right rear of the property. The only impact to the buffer zone is the driveway access with no impacts to the resource area to the front right side of the property.

MM reported a NPDES Phase 2 permit will be required on this project. In addition, the Planning Board engineer is reviewing this project for site plan and stormwater, and the report is submitted tonight. He went on to say that his review yielded no significant impacts under the Town's stormwater regulations. The Commission felt that further review was necessary and wanted to see what the Planning Board recommended for the site. There were no abutters present to speak for or against this project.

LB: Motion to continue this hearing until April 26, 2016.

JE: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

7:30pm Mascuppic Trail – Notice of Intent/Stormwater Management Permit, DEP# 309-0894 for the proposed roadway reconstruction and drainage improvements on portions of Mascuppic Trail from Parham Rd. to Palmetto Ave.

JE: Motion to waive the reading of the legal notice and abutters list.

PM: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

Engineers John Gaudette and Bill Mertz from WorldTech Engineers appeared before the Commission. This is a town sponsored rehabilitation project for a portion of Mascuppic Trail that has had severe drainage issues for many years that have impacted the residents and the lake itself. The project scope encompasses reconstruction of the existing roadway from the beginning of Mascuppic Trail at Parham Rd. to the point at Palmetto Ave. Damaged culverts, and compromised drainage and roadway infrastructure will be repaired and upgraded to handle large storm events.

Abutters from 55, 75, and 124 Mascuppic Trail spoke in favor of the project and cautioned the engineers about the water line located at 55 Mascuppic Trail. In addition, Mr. Gaudette noted that there is no intention to “take” any property. He went on to say that the timeline of the project is slated for this Summer and Fall after the public bid process is completed.

MM reiterated that this project would mitigate flooding, increase the Total Suspended Solids (TSS) removal, and control stormwater runoff. In addition, extensive erosion control will be installed prior to the commencement of the work to protect all resource areas. There were no additional abutters present to speak for or against this project.

JE: Motion to close the public portion of the hearing

PM: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

JE: Motion to issue a Standard Order of Conditions and Stormwater Management Permit, DEP# 309-0894 for the roadway reconstruction and drainage improvements on portions of Mascuppic Trail from Parham Rd. to Palmetto Ave. per plans dated April 2016.

LB: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

Director’s Determination

1. 12 Parker Lane – Tree removal

MM reported that there are six dead or dying trees on the property in the buffer zone that could do some damage if not removed. There would be no impact to the resource area.

LB: Motion to approve the Director’s Determination for 12 Parker Lane

JE: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

2. 11 Oak St. – Replace stone patio

MM reported that this came in late this afternoon. There is an existing patio that has some stones that needs replacement. There would be no impact to the resource area.

JE: Motion to approve the Director's Determination for 11 Oak St.

PM: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

Director's Reports

1. Worden Road Eagle Scout Project – Nathaniel Joslyn

MM reported that Mr. Joslyn would like to build a kiosk at the trailhead for the new Worden Road trail that has been previously mapped out. In addition, the trail will be cut in and marked.

JE: Motion to provide funds not to exceed \$1,000 for the Eagle Scout project of Nathaniel Joslyn.

LB: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

Discussion/Reports

1. **Sherburne Nature Center/Trails Committee Report: Earth Day Celebration**

P. Berman reported that the annual Earth Day celebration will be taking place on April 23, 2016 at the Sherburne Nature Center. The Eyes on Owls program will be offered again this year, as well as many other fun activities and exhibits for the whole family.

LB: Motion to provide funds not to exceed \$500 to pay for the Eyes on Owls program.

PM: 2nd the motion

In Favor: 4 Opposed: 0 Absent: 2

Passes: 4-0-2

2. **Open Space:** No Report

Administrative

1. Minutes

JE: Motion to approve the minutes from 3/22/16 as amended.

PM: 2nd the motion

In Favor: 4 **Opposed:** 0 **Absent:** 2

Passes: 4-0-2

8:25pm

LB: Motion to adjourn

PM: 2nd the motion

In Favor: 4 **Opposed:** 0 **Absent:** 2

Passes: 4-0-2

Respectfully for the Conservation Commission,

Pamela Berman
Administrative Assistant